

TRAFFIC CITATIONS & OMV PROBLEMS

Almost everyone gets a traffic citation from time to time. It's tempting to think of them as just a nuisance and extra expense in the family budget, but that line of thinking can be costlier than you imagine. **Convictions** for "moving violations", if issued by a police officer rather than a photo camera, are automatically reported to the Office of Motor Vehicles (OMV) and added to your official driving record. Many insurance companies raise your premiums when they see any moving violations on your driving record. Typically, they can access any **convictions** that occurred within the past 3 -5 years. When you simply "pay" these tickets, for the sake of convenience, you are, in effect, entering a "guilty" plea to the charge. Once the conviction is reported to OMV by the court, you can expect an adverse effect on your auto insurance.

When a police officer cites you for any moving violation, the prudent course of action is to hire an experienced attorney to represent you in court. Often the attorney can negotiate a plea bargain with the District Attorney, perhaps resulting in the moving violation being reduced to a non-moving violation, or possibly even persuading the prosecutor to dismiss the case entirely. In some cases, it is preferable to go to trial. At trial, the state must prove the defendant guilty "beyond a reasonable doubt". Representation in such common traffic matters is relatively inexpensive, may relieve you of the burden of going to court, and often results in a far better outcome than you would achieve if you simply paid the fine for the original moving violation. It's a short-term investment that generally produces better long-term results, especially when you consider the possibility of three years of higher insurance premiums or even cancellation of your insurance coverage.

Furthermore, Louisiana has a "Habitual Offender" Law (R.S. 32:1471 *et seq.*) Under this law, any motorist who accumulates convictions for **10 moving violations within a 3-year period** is subject to a **suspension of his driving privileges for a period of 3 years!**

Considering these facts, it's easy to see why it makes sense to hire a competent and experienced traffic attorney to represent you, even for such "minor" aggravations as a simple "speeding" or "stop sign" ticket.

LICENSE SUSPENSIONS & OMV ISSUES

Did you know that your driving privileges can be suspended for an outstanding traffic ticket? How about for unpaid state income taxes? Or even past-due child support? In this world of an increasingly powerful "administrative state", many drivers are learning the hard way that their ability to drive (legally) is being impeded by such things as those listed above.

Commercial Drivers whose driving privileges are suspended or disqualified are particularly at risk of losing the ability to earn a livelihood. This is a distinct possibility in a variety of cases, from administrative (Motor Carrier Safety) citations, to more traditional moving violations, to DWI offenses, to the other unusual events that can cause a license suspension or disqualification of CDL privileges. It is especially crucial that CDL drivers obey all traffic laws, Motor Carrier Safety regulations, and a variety of other (non-traffic) laws to maintain their valid CDL status. An attorney who has extensive experience in the DPS/OMV bureaucracy is well-

equipped to represent clients effectively in such matters and should be retained as soon as possible to increase the possibility of the most favorable outcome. As a former office manager for the Office of Motor Vehicles, and a former Administrative Law Judge for the Department of Public Safety and Division of Administrative Law, I am well-versed in these types of problems and the best ways to navigate the bureaucracy.